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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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*SILAS CALHOUN and EMILY CALHOUN,    *
Individually and as Parents and      *
Next Friends of ESTELLA CALHOUN       *
         Plaintiffs                  *   CIVIL ACTION
            vs.                      *   No. 04-10480-RGS
                                     *
*UNITED STATES OF AMERICA            *
         Defendant                   *
* * * * * * * * * * * * * * * * * * *
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BEFORE THE HONORABLE RICHARD G. STEARNS
UNITED STATES DISTRICT JUDGE
CIVIL BENCH TRIAL, DAY 2
April 10, 2007

APPEARANCES:

        SUGARMAN, ROGERS, BARSHAK & COHEN, P.C., (By
Michael S. Appel, Esq.) 101 Merrimac Street, Boston,
Massachusetts 02114-4737, on behalf of Plaintiffs

        UNITED STATES ATTORNEY'S OFFICE, (By AUSA Anton P.
Giedt and AUSA Karen Goodwin) J. Joseph Moakley
Courthouse, 1 Courthouse Way, Suite 9200, Boston,
Massachusetts 02210, on behalf of Defendants

Courtroom No. 2
1550 Main Street
Springfield, Massachusetts 01103

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Official Court Reporter
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1   A   I have a degree in early childhood education, and also

2   in early intervention of infant and toddler behavior.

3   Q   Do you have any advanced degrees?

4   A   I did a graduate program but did not get the degree in

5   infant and toddler.

6   Q   Was Estella Calhoun enrolled at the Church of the

7   Redeemer Preschool at some point in time?

8   A   Yes, she was.

9   Q   Did you have an opportunity to observe her behavior?

10   A   Yes.

11   Q   In what capacity were you observing that behavior?

12   A   As a teacher.

13   Q   Do you recall what year this was?

14   A   2002, I believe.

15   Q   Would you explain to the Court what you observed about

16   Estella.

17   A   Her behavior in the classroom?

18   Q   Yes.

19   A   Yes.

20   Very impulsive. She was very fidgety; always, you

21   know, chewing on something, chewing on her clothing or her

22   hair. She was aggressive towards other children. She was

23   not able to sit in a structured -- a group structured time.

24   She would have to be taken out of that time because she was

25   very disruptive.

1   Let me see what else.

2   Oversensitivity to stimuli.

3   Q   Could you give an example of that?

4   A   It was difficult for her to sit near somebody. If

5   someone brushed against her or even, you know, any close

6   proximity to somebody, she would get very agitated.

7   Also, she was very -- overly sensitive to smells,

8   to sound. She would be distracted by, you know, sounds that

9   were not relevant, you know if the lights were going or

10   somebody was walking upstairs.

11   Did I say smells? Also smells.

12   Q   Yes.

13   A   She had overexaggerated emotions. If something

14   happened, she would, you know, not be able to sort of

15   control herself. She would either just be aggressive or she

16   would just scream uncontrollably.

17   Did you want specific examples?

18   Q   Yes, if you could give just a couple of examples of the

19   types of behaviors you're describing.

20   A   Well, one thing I guess I remember is it was very

21   difficult to put her in a timeout when she was disruptive,

22   because either she would just not pay any attention to the

23   timeout and just continue to be even more disruptive, or she

24   would become so upset that she would vomit. So that was not

25   very productive to put her in a timeout either.

1   Other examples, she would -- instead of negotiating

2   with children or knowing how to go and play with children,

3   she would just go up and grab whatever they had, or even

4   push them over. You know, if she wanted to play with

5   someone, she would push them over, hit them or something.

6   Q   In your experience, was that out of the norm of the kind

7   of children that you worked with?

8   A   Yes.

9   Q   How long was she in the classroom?

10   A   How long for the year?

11   Q   Yes.

12   Was she in the classroom -- let me rephrase that.

13   Was she in your class for a whole school year from

14   September --

15   A   Yes. From September through June, yes.

16   Q   Have you had an opportunity to observe Estella from time

17   to time since, for instance, the family moved to Hawaii?

18   A   Yes.

19   Q   How frequently have you gone out to visit?

20   A   I have been going about three or four times a year the

21   past few years.

22   Q   What have you observed with respect to Estella's

23   behavior on the occasions when you were in Hawaii?

24   A   She's still impulsive. She still has overexaggerated

25   emotions. She still I think -- one thing I didn't mention